

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

JERMAINE S. EWING,)
)
 Plaintiff,)
)
 v.) No. 1:13-CV-114-SNLJ
)
 DEWAYNE KEMPKER, et al.,)
)
 Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's "Request for Change of Venue" [Doc. #11]. For the reasons stated below, the motion will be denied.

Plaintiff, an inmate at the Southeast Correctional Center, brings this 42 U.S.C. § 1983 action against George Lombardi (Director, Missouri Department of Corrections), Dave Dormire (Director of Adult Institutions), Dwayne Kempker (Deputy Division Director of Adult Institutions), Ian Wallace (SECC Warden), William Stange (SECC Assistant Warden), Webster R. Arends (SECC Investigator), Paula Huffman-Phillips (SECC Function Unit Manager), D. Novack (SECC Correctional Officer), Cheryl Dowdy-Thompson (SECC Function Unit Manager), Stephanie Kastings-Novak (Health Service Administrator at SECC), Ruth Taylor (Director of Nursing at SECC), Kenna Sadler (Corizon employee at SECC), Paula Unknown (Corizon Nurse at SECC), Dr. Michael Hakala, Unknown Corizon

Regional Medical Director, Unknown Corizon Senior Regional Vice-President, Unknown Regional Investigator Manager, Unknown Inspector General of Missouri, and Kenneth R. Richardson (Mississippi County Prosecuting Attorney).

Plaintiff argues that he should be granted a change of venue “from the Southeastern Division and into the Eastern District of Missouri,” because “undue influence[] and/or prejudice[] against plaintiff exists.” In support of his motion, plaintiff states that: (1) Cole County, St. Genevieve, and St. Louis all lie in the Eastern Division of the Eastern District of Missouri; (2) defendants Lombardi, Dormire, and Kempker all reside and are employed in Cole County; (3) Corizon’s main office is in St. Louis, Missouri; and (4) defendant Richardson is the prosecuting attorney of Mississippi County.

Discussion

At the outset, the Court notes that the Southeastern Division of Missouri is a division of the Eastern District of Missouri, and thus, to the extent that plaintiff is asking for a change of venue to the Eastern District of Missouri, his motion is moot.

Moreover, Cole County lies in the Western District of Missouri, not the Eastern District, St. Louis lies in the Eastern District of Missouri, Eastern Division, and Mississippi County is located in the Eastern District of Missouri, Southeastern Division. SECC is located in Mississippi County. Corizon’s corporate main office

is located in Brentwood, Tennessee; its operational headquarters is located in St. Louis, Missouri.

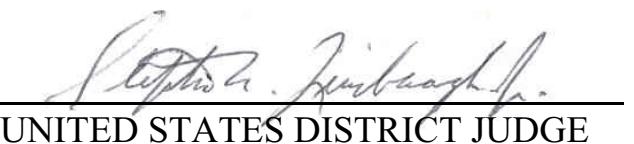
That said, the allegations which are the subject of the instant case occurred at SECC, where plaintiff is presently confined, and the majority of the named defendants are employees of, or work at, SECC and can be found in the Southeastern Division. As such, the Court finds that venue is proper in the Eastern District of Missouri, Southeastern Division, and plaintiff's motion for a change of venue is without merit.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's "Request for Change of Venue" [Doc. #11] is **DENIED** without prejudice.

IT IS FURTHER ORDERED that an appeal from this Order would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

Dated this 13th day of November, 2013.



Stephen J. Gibbons, Jr.
UNITED STATES DISTRICT JUDGE